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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,817	04/20/2001	Yun-Ting Lin	US 010197	1575

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EXAMINER	
PESIN, BORIS M	
ART UNIT	**PAPER NUMBER**
2174	5

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/839,817	LIN, YUN-TING	
	Examiner	Art Unit	
	Boris Pesin	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2 and 3*.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

On page 2 line 4, the "an" should be an "a" in the phrase "user of an media".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 3, 4, 7, 12, 13, 16, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Klosterman et al. (US 6078348)

In regards to claim 1 Klosterman discloses a method of automatically generating a list of favorite media selections of a user of a media presentation device, or television, offering a plurality of media selections (Column 11, Line 45). Klosterman further discloses a method for recording for each of a plurality of selections a total time which the media presentation device has selected each of the plurality of selections over a particular period of time (Column 11, Line 45). He further discloses a way to generate a favorite selection list comprising of N selections of the plurality of selections which the media presentation device has most frequently selected as determined from the recorded total time each of the plurality of selections has been selected over the

particular period of time, where N is a predetermined number of selections that may be included on the favorite selection list, or user guide (Column 11, Line 45).

3. In regards to claim 3, Klosterman discloses a step of recording a total time which media presentation device has selected each of the plurality of selections comprising, for each selection, recording a start time and an end time of the selection, and calculating a total time that the particular selection has been selected during the particular period of time based on the recorded start and end times (Column 11, Line 48).

4. In regards to claim 4, though Klosterman does not specifically mention retrieving the start and end times from the time keeping device. However, it is inherent in the invention that since you are inputting data into a database, that you have a way of retrieving the data.

5. In regards to claim 7, Klosterman discloses that the plurality of selections comprise a plurality of television channels (Column 11, Line 49).

6. In regards to claim 12, though Klosterman does not specifically disclose the ability to add selections to the list only if the accumulated time exceeds a threshold time period, it is inherent in the invention that that occurs, because channels are added based on the timer and the most viewed channel. And since claim 10 does not specifically disclose a particular threshold limit, any threshold including 0, could be used.

7. Since claim 13 is in the same context as claim 1, it is rejected under similar rationale.

8. Since claim 16 is in the same context as claim 3, it is rejected under similar rationale.

9. Since claim 20 is in the same context as claim 12, it is rejected under similar rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

Determining the scope and contents of the prior art.
Ascertaining the differences between the prior art and the claims at issue.
Resolving the level of ordinary skill in the pertinent art.
Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 2, 8, 9, 11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348).

10. In regards to claim 2, Klosterman discloses all the limitation of claim 1, but he does not specifically disclose the ability to use his invention in a radio, a music compact

disc player, and a computer operation an Internet browsing program. Klosterman discloses his invention in a television, which is a type of media presentation device. The examiner takes official notice that a radio, CD player and computer are well known media presentation devices. It would have been obvious to one of ordinary skill in the art at the time of the invention to include Klosterman's invention in other well known media presentation devices in order to have a favorite selection list for those particular media devices.

11. In regards to claims 8, 9, and 11, based on the rejection for claim 2, it is inherent in Klosterman's invention that a plurality of selections comprise a plurality of respecting media channels.

12. Since claim 14 is in the same context as claim 2, it is rejected under similar rationale.

Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view applicants admitted prior art.

13. In regards to claim 5, Klosterman all the limitations of claim 1, but he lacks an ability to scan through the guide, or the favorite list. However the inventor discloses in the description of related art that is it possible to scan through favorite list stopping at each particular channel for several seconds (Page 3, Line 1). It would have been

obvious to one of ordinary skill in the art at the time of the invention to use that teaching and modify Klosterman's invention to have a scan option for the favorite list, in order to assist the user in picking out a channel that they are interested in watching.

14. Since claim 18 is in the same context as claim 5, it is rejected under similar rationale.

Claims 6 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of applicant's admitted prior art.

15. In regards to claim 6, Klosterman discloses all the limitations of claim 1, but he lacks an ability to add and delete channels from the guide, or the favorite list. However the inventor discloses in the description of related art, that is it possible to designate channels as favorites therefore having the ability to add and delete channels from the favorite list (Page 3, Line 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to use that teaching and modify Klosterman's invention to have the ability to add and delete channels from the guide in order to give the user more flexibility on what his favorite channels are.

16. Since claim 19 is in the same context as claim 6, it is rejected under similar rationale.

Claim 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et al. (US 6078348) in view of Kiyoura et al (US 4841506).

17. In regards to claim 10, Klosterman discloses all the limitations of claim 9 but lacks the limitation of influencing a random play feature of the media presentation device to present the music selections on the favorite selections list more frequently than music not on the favorite selections list. Kiyoura teaches that in his invention, "disks and selections more in accordance with the user's preference are played more frequently" (Abstract, Line 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to use Kiyoura's teaching and modify Klosterman's invention to include a feature that would play things that the user listened to most often in greater frequency in order to give the user a more pleasurable listening experience.

18. Since claim 15 is in the same context as claim 10, it is rejected under similar rationale.

19. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman et. al. (US 6078348) in view of Tanaka (US 5617571).

In regards to claim 17, Klosterman teaches all the limitations of claim 13. Klosterman does not teach the limitation of having a time keeping device with a timer and a clock. Tanaka teaches "The CPU, the ROM , the RAM , and the clock timer constitute a main microcomputer for a television." (Column 5, Line 21). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the

teachings of Klosterman with Tanaka to include a clock timer (i.e. timer and clock) with the motivation to provide for having the ability to time something and figure out when to take a certain action.

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006519011B1	Shendar
US006192403B1	Jong et al.
US005617571A	Tanaka
6,078,348 A	Klosterman et al.

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris Pesin whose telephone number is (703) 305-8774. The examiner can normally be reached on Monday-Friday except for every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

STEVEN SAX
PRIMARY EXAMINER